

S.B.Cr.Misc. Bail Appl. No.5961/2007
(Ratan Lal Vs. State of Rajasthan)

Date of order : December 17, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Manish Pitaliya for the petitioner.
Mr.N.K.Rai, Spl. P.P. for Central Narcotics Bureau.

Heard learned counsel for the petitioner and the Special Public Prosecutor appearing for the Central Narcotics Bureau.
Perused the order impugned.

It is contended by the learned counsel for the petitioner that co-accused Champa Lal has been released on bail by this Court.

Learned Special Public Prosecutor contends that a notice for making statement under section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act' hereinafter) has been served on the petitioner, however, he did not appear before the investigating officer, which is obligatory. Learned Special P.P. has invited my attention to the list of the cases pending including the case for the offence

under section 8/18 of the Act against the petitioner. There are number of cases including the case for the offence of attempting to commit murder against the petitioner.

Keeping in view the nature of the allegation and the fact that in such matters, a custodial interrogation is necessary and the fact that despite the notice, the petitioner did not appear before the investigating officer to make statement as envisaged under section 67 of the Act, in my view, it is not a fit case to grant anticipatory bail to the petitioner.

The bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-